



PROBATION AND PAROLE BUREAU STANDARD OPERATING PROCEDURES

Procedure No.: P&P 100-7	Subject: AUTHORIZATION TO PICK UP & HOLD PROBATIONER	
Chapter 100: VIOLATIONS/WARRANTS/ARRESTS	Page 1 of 2	
Signature: /s/ Mary Fay	Revision Date: 10/23/01; 06/17/02	
	Effective Date: 06/01/00	

I. BUREAU DIRECTIVE: Probation and Parole Bureau employees will follow established procedures when issuing a pick up and hold for probationers.

II. AUTHORITY:

46-23-1012, M.C.A. Arrest when violations of probation alleged—probation compliance plan—probation violator intervention

III. DEFINITIONS:

None.

IV. PROCEDURES:

An Authorization to Pick Up and Hold may be issued within the State of Montana when there is reasonable cause to believe a probation violation has occurred, or whenever an offender presents such danger to the community that he/she cannot remain within the community without seriously and/or continuously endangering personal safety and/or the property rights of others.

If it is determined that a warrant is necessary to arrest an offender outside the boundaries of Montana, P&P Officers must obtain a Bench Warrant from the District Court Judge for a Probationer. 46-23-1012, MCA authorizes the court to issue a warrant to arrest a probationer.

PROCEDURE:

- Any officer may arrest an offender without an *P&P 100-7 (A) Authorization to Pick Up & Hold* or may deputize another officer with the power of arrest to do so by giving the officer oral authorization. Within 12 hours delivers to the place of detention a written statement setting forth that the defendant has, in the judgment of the officer, violated the conditions of the offender's probation using *P&P 100-7(A) Authorization to Pick Up & Hold*. The officer must report all arrests to their supervisor at the earliest convenience via. telephone, e-mail, or other communication means.
- Distribute *P&P 100-7 (A) Authorization to Pick Up & Hold* to arresting authority (i.e. Sheriff or Police Department)
- Upon time of arrest, a Probation & Parole Officer may hold a probationer without bail for 72 hours.

RESPONSIBILITY:

P&P Officer

P&P Officer

P&P Officer

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PROCEDURE:

4. Discussion/consultation with the Regional Administrator or Designee to determine a course of action including release of the offender, holding an intervention hearing with possible jail sanctions, or filing a formal *Report of Violation* for revocation before the District Court. Within 72 hours, the Probation & Parole Officer shall authorize the detention center to release the probationer, hold an intervention hearing, or arrange for the probationer to appear before a magistrate to set bail.
5. If the probationer is detained and bond is set, the Probation & Parole Officer shall file a *Report of Violation* within 10 days of the arrest of the probationer. (See P&P 100-1 Report of Violation on Probationers & Parolees)
6. When a Bench Warrant is issued by the court for a Montana Probationer supervised under Interstate Compact, immediately notify the Interstate Compact Unit of the warrant and pending actions by the court.
7. If an *Authorization to Pick Up & Hold* has been issued and is no longer warranted, call local law enforcement to cancel the hold and/or if documentation is required, complete *P&P 100-2 (B) Authorization to Cancel Warrant/Pick Up & Hold* and forward to local law enforcement.

RESPONSIBILITY:

P&P Officer
Regional Administrator

P&P Officer

P&P Officer

P&P Officer

NOTE: *Reports of Violation* are submitted to the District Court relative to probationers. In case of the incarceration of Interstate offenders, P&P Officers shall inform their Regional Supervisor as soon as possible. (See P&P 130-3 Report of Violation For Out-Of-State Offenders Supervised in Montana)

V. CLOSING: Questions concerning this procedure shall be directed to the Regional Administrator.

Form

P&P 100-7 (A) Authorization to Pick Up & Hold Probationer
P&P 100-2 (B) Authorization to Cancel Warrant/Pick Up & Hold